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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/557,519   | 11/19/2005  | Shusaku Shibasaki    | OT-5302             | 8801             |
| 7590   | 07/21/2008  |                      | EXAMINER            |                  |
| Lisa A Bongiovi<br>Otis Elevator company<br>Intellectual Property Dept<br>Ten Farm Springs<br>Farmington, CT 06032 |             |                      | PICO, ERIC E        |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3654                |                  |
|  |             |                      | MAIL DATE           | DELIVERY MODE    |
|  |             |                      | 07/21/2008          | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/557,519             | SHIBASAKI ET AL.    |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | ERIC PICO              | 3654                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 January 2008.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 8 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 8 and 10-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/14/2008</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claim(s) 8 and 10-12** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Ammon U.S. Patent No. 6006865 in view of Sasaki U.S. Publication No. 2001/0040071.

3. **Regarding claim 8**, Ammon discloses an elevator comprising:

4. a car 2 is guided in a shaft 1 to move vertically along a pair of first guide rails 6, 8 between which the car 2 is arranged;

5. a counterweight 3 is guided to move vertically via a pair of second guide rails 6, 7 between which the counterweight 3 is arranged;

6. at least one drive rope 5 that connects the car 2 and the counterweight 3 is wound on the drive sheave 4.1 of a hoist 4 so that as the drive sheave 4.1 is driven to rotate, the car 2 and the counterweight 3 move vertically in opposite directions;

7. a support member fixed to one of the guide rails 6, 7;

8. wherein the first guide rails 6, 8 are arranged at approximately diagonal positions with the car 2 therebetween, shown in Figure 3, and

9. wherein one end of the at least one drive rope 5 is fastened to the support member 9 at first fixed point 10.

10. Ammon is silent concerning a cantilevered support member; and a car overspeed governor mounted to the cantilevered support member.

11. Sasaki teaches a cantilevered support member 18 fixed to one of the guide rails 5a; and

12. a car overspeed governor 13 mounted to the cantilevered support member 18.

13. It would have been obvious to one of ordinary skill in the art at the time of the invention to fix a cantilevered support member and a car overspeed governor mounted to the cantilevered support member as taught by Sasaki to one of the guide rails disclosed by Ammon to provide an emergency stop means in the even of an overspeed of the elevator car.

14. **Regarding claim 10,** Ammon discloses the hoist 4 is arranged between an inner wall, shown as the ceiling or top wall, of the shaft 1 and a space for the vertical movement of the car 2 as well as a space extending therefrom, shown in Figure 1.

15. **Regarding claim 11,** Ammon discloses a deflector wheel 13, 14 is arranged on the at least one drive rope 5 between the hoist 4 and the car 2 and/or between the hoist 4 and the counterweight 3, shown in Figures 1 and 2.

16. **Regarding claim 12,** Ammon discloses a car frame that contains the car has an approximately rectangular parallelepiped form.

17. **Claim(s) 8, 10, 12, and 14** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Ach U.S. Publication No. 2004/0262087 in view of Sasaki U.S. Publication No. 2001/0040071.

18. **Regarding claim 8**, Ach discloses an elevator comprising:

19. a car 12 is guided in a shaft 11 to move vertically along a pair of first guide rails 18 between which the car 12 is arranged;

20. a counterweight 15 is guided to move vertically via a pair of second guide rails 19 between which the counterweight 15 is arranged;

21. at least one drive rope 13 that connects the car 12 and the counterweight 15 is wound on the drive sheave 16.1 of a hoist 14 so that as the drive sheave 16.1 is driven to rotate, the car 12 and the counterweight 15 move vertically in opposite directions,

22. a cantilevered support member 9 fixed to one of the guide rails 18, Paragraph [0051]; and

23. wherein the first guide rails 18 are arranged at approximately diagonal positions with the car 12 therebetween, shown in Figure 1B, and

24. wherein one end of the at least one drive rope 13 is fastened to the cantilevered support member 9.

25. Ach is silent concerning a car overspeed governor mounted to the cantilevered support member.

26. Sasaki teaches a car overspeed governor 13 mounted to the cantilevered support member 18.

27. It would have been obvious to one of ordinary skill in the art at the time of the invention to mount the car overspeed governor as taught by Sasaki to the cantilevered support member disclosed by Ach to provide an emergency stop means in the event of an overspeed of the elevator car.

28. **Regarding claim 10,** Ach discloses the hoist 14 is arranged between an inner wall of the shaft and a space for the vertical movement of the car 12 as well as a space extending therefrom, shown in Figure 1A.

29. **Regarding claim 12,** Ach discloses a car frame that contains the car has an approximately rectangular parallelepiped form.

30. **Regarding claim 14,** Ach discloses the drive rope 50 is flat with a rectangular cross section, shown in Figure 17.

31. **Claim(s) 13 and 15** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Ach U.S. Publication No. 2004/0262087 in view of Cilderman et al. U.S. Patent No. 4793441.

32. **Regarding claim 13,** Ach discloses an elevator comprising:

33. a car 12 is guided in a shaft 11 to move vertically along a pair of first guide rails 18 between which the car 12 is arranged;

34. a counterweight 15 is guided to move vertically via a pair of second guide rails 19 between which the counterweight 15 is arranged;

35. a drive rope 13 that connects the car 12 and the counterweight 15 is wound on the drive sheave 16.1 of a hoist 14 so that as the drive sheave 16.1 is driven to rotate, the car 12 and the counterweight 15 move vertically in opposite directions,

36. wherein the first guide rails 18 are arranged at approximately diagonal positions with the car 12 therebetween, shown in Figure 1B.

37. Ach is silent concerning a third guide rail is arranged as a derailment prevention means for preventing the car from derailing from the pair of first guide rails.

38. Cilderman et al. teaches a third guide rail 40 is arranged as a derailment prevention means for preventing the car 2 from derailing from the pair of first guide rails 16.

39. It would have been obvious to one of ordinary skill in the art at the time of the invention to arrange a third guide rail as taught by Cilderman et al. to the elevator disclosed by Ach to prevent derailing from the pair of first guide rails and facilitate the travel of the car.

40. **Regarding claim 15**, Ach discloses the drive rope 50 is flat with a rectangular cross section, shown in Figure 17.

### ***Response to Arguments***

41. Applicant's arguments filed 01/14/2008 have been fully considered but they are not persuasive.

42. In response to applicant's argument, "Sasaki's support member 18 is not, however, fastened to an end of at least one drive rope" Sasaki is relied upon for the teachings of a car overspeed governor mounted to the cantilevered support member.

43. In response to applicant's argument, "neither Ach nor Sasaki teaches or suggests a support member that is fixed to both: (a) a car overspeed governor; and (b)

an end of at least one drive rope" the combination of Ach in view of Sasaki suggests a support member that is fixed to both: (a) a car overspeed governor; and (b) an end of at least one drive rope.

44. In response to applicant's argument, "Cilderman, however, fails to teach or suggest a third guide rail that serves to prevent a derailment of the car 2" the additional third guide rail 40 prevents a derailment of the car by preventing lateral oscillation of the elevator car in the hoistway as the car moves up and down in the hoistway

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

45. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC PICO whose telephone number is (571)272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP  
/Peter M. Cuomo/  
Supervisory Patent Examiner, Art Unit 3654